

### REMARKS

The Office Action mailed on December 12, 2007, has been received, and carefully considered.

Claim 12 has been amended to more particularly define the inventive aspects of the claimed safety device. More particularly, claim 12 has been amended to recite that the holder includes a plurality of apertures, and that the fasteners are captively and rotatably mounted in the apertures of the holder. Furthermore, claim 12 now recites that the at least one fastener cover is removably located over a fastener and attachable inside a corresponding position indicator.

Claims 12-14, 16-17, and 20-21 have been rejected under 35 U.S.C. 102(b) as being anticipated by Marczynski et al. (US 6,595,597). Claims 15 and 18-19 have also been rejected under 35 U.S.C. 103(a) as being unpatentable over Marczynski et al.

It is considered that the prior art does not teach or suggest each and every element of the amended claims, for the reasons that follow.

The Applicants respectfully submit that the Examiner is erroneously interpreting the wheel rim (16) of Marczynski et al. as "a holder" for the position indicator devices. The Examiner's attention is directed to the text at column 2 lines

3 to 12 and lines 50 to 55 of Marczynski et al. Here it is explained that Figure 1 merely shows a conventional vehicle wheel onto which indicator devices (24) in accordance with that earlier invention have been mounted. The wheel assembly comprises a central axle (12), a hub (14), a rim (16) and a tire (18). In a conventional manner, the rim (16) is provided with apertures. Studs (20) (see Figure 3) project through those apertures and are secured by wheel nuts (22). In this way, the stud and nut combination (20, 22) shown in Figure 3 is projecting out of the wheel rim (16). The indicator (24) is then fitted thereover.

Accordingly, Marczynski et al. does teach or suggest position indicators for indicating rotational position of the respective fasteners, wherein the fasteners are captively and rotatably mounted in the apertures of the holder, as required by claim 12 and claims dependent thereon.

The Examiner's attention is further directed to Figure 1 of the present application, and the explanatory description on page 4 line 16 to page 5 line 11. From such disclosures, it is clear that the indicators (30) in the assembly of the present invention are a snap fit in apertures (14) in an annular holder (12). This is a different item to the wheel

rim and is offered up to the array of studs and wheel nuts which project from the conventional wheel rim (see the text bridging pages 5 and 6 of Applicants' specification).

Furthermore, it should be noted that the fastener covers of the present invention are not the same as the removable caps (40) of GB 2 335 720, one of the Applicant's earlier disclosures. In that document, the removable caps are described as simply push fit caps (see column 3, lines 1 to 6)

As best shown in Figure 6 of the present application and as explained on page 2, lines 4 to 7, and page 5, lines 13 to 20, the fastener covers (50) have both external splines (52) and internal splines (58) and thereby quite cleverly serve to engage non-rotatably with both the wheel nut and the captive indicator, by projecting between these when fitted onto a respective indicator (40). This enables individual fastener covers to be removed for tightening of individual wheel nuts as required without having to remove and reposition the entire holder and its captive array of indicators with attendant necessity to reposition the pointers thereof (see page 2 lines 15 to 20).

In the light of the above remarks, it is Applicants' position that the Marczynski et al. reference does not teach or suggest each and every limitation of claim 12 and claims dependent thereon.

Accordingly, withdrawal of the rejections under 35 U.S.C. 102(b) and 35 U.S.C. 103(a) is respectfully requested.

It is believed that the present application is now in condition for allowance, and an early allowance to this effect is respectfully urged. If any final points remain that can be clarified by telephone, Examiner Noori is encouraged to contact Applicants' attorney at the number indicated below.

Respectfully submitted



Date: March 12, 2008

Malcolm J. MacDonald  
Reg. No. 40,250  
(703) 837-9600 Ext. 24